

REMARKS

Claims 1, 2, 5-8, 11-13 and 26-29 are pending in this application. Claims 1, 6, 11 and 26-28, the existing independent claims, and Claim 2 have been amended to define still more clearly what Applicant regards as his invention. Claim 29, which is also an independent claim, has been added to assure Applicants of a full measure of protection of the scope to which they deem themselves entitled.

Claims 1, 2, 5-8, 11-13 and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,434,265 (Xiong et al.), in view of U.S. Patents 6,246,412 B1 (Shum et al.) and 6,246,413 (Teo).¹

Independent Claim 1 is directed to an image synthesis method that includes inputting a plurality of image data, generating placement information determined by a placement order of all images inputted in the input step, and obtaining placement information about a plurality of images in which adjacent images have a common subject region. There is also performed a setting step, of automatically setting one mapping mode out of a plurality of mapping modes each corresponding to a different mapping surface in accordance with the obtained placement information, as well as combining the plurality of images by using the mapping mode set in the setting step, changing the mapping mode, and issuing a warning.

¹ The Office Action, and the preceding one, both refer in the explanation of the prior-art rejection to U.S. Patent 6,271,855 as being the *Shum* document relied on. Patent 6,271,855 is not of record; the *Shum* document of record, mentioned in the main text above, fits the description in the Office Action. Accordingly, it is understood that the references in the record to Patent 6,271,855 are erroneous. If that is not the case, clarification by the Examiner is requested, particularly because Patent 6,271,855 also is issued to Shum et al., and pertains to broadly relevant material.

when an image formed by changing the mapping mode in the changing step does not comply with a predetermined condition set in accordance with the mapping mode, and generating a synthesized image in accordance with the predetermined condition. Claim 1 recites, in addition, that the warning is issued in a case in which the synthesized image exceeds a predetermined angle of view when a cylindrical mapping mode is changed to a plane mapping mode.

To begin with, it is believed that Applicants and the Examiner agree that Claim 1 would be allowable over *Xiong* '265, taken alone.

Shum '412 relates to technique for refining a model of a 3D scene. An image of a panoramic scene is displayed, and a previously constructed model of the scene is projected onto the screen image. Any portion of the model that is not aligned with the displayed scene is moved to achieve alignment. Plane normals and line directions for previously modeled planes are then estimated using the newly aligned model, and if desired any as yet unmodeled features are modeled. Plane distances and vertex point locations of each plane in the scene that is to be modeled are estimated. At one point in the processing, if any constraints are unmet, a warning is issued.

Applicants point out that nothing has been found, or pointed out, in *Shum* that would teach or suggest anything about changing a mapping mode at all, and thus the assertion in the Office Action, in item (3) (bridging pages 5 and 6 of the Action) that "*Shum* implicitly teaches the claimed limitation of a generating step, of issuing, when an image formed by changing the mapping mode in said changing step does not comply with a predetermined condition set in accordance with the mapping mode, a warning and generating a synthesized

image in accordance with the predetermined condition [emphases original]" is frankly not understood. The only part of the quoted statement that is seen to be correct, is that the *Shum '412* system issues a warning; nothing else mentioned in that quotation appears in that patent. The Examiner's assertion, therefore, appears to be totally incorrect, unless the Examiner's view is that it is somehow "implicit" in that patent that selection of mapping modes is being discussed, and that that patent somehow "implicitly" is really concerned with problems encountered upon change of mapping mode. Since such seems self-evidently not to be the case, the rejection is believed to be improper, and its reconsideration and withdrawal are respectfully requested.

Moreover, considering only what is actually found in *Shum '412*, the Office Action fails to provide any reason why one of only ordinary skill, provided with the *Shum* use of a warning where a constraint encountered in the solution of a 3D modeling problem is left unmet, would somehow be motivated to issue a warning upon a certain condition occurring as a result of a change in mapping mode. Thus, even if it be granted for argument's sake that *Xiong '265* and *Teo* teach all that they are cited for, and that the proposed combination of references would be permissible other than in the respect discussed above, Claim 1 is believed to be clearly patentable over the art applied against it, and withdrawal of that rejection is respectfully requested.

Independent Claim 26 is directed to an image synthesis method, in which a plurality of image data are input, placement information determined by a placement order of all images inputted in the input step is generated, and placement information about a plurality of images in which adjacent images have a common subject region is obtained. There is

automatically set one mapping mode out of a plurality of mapping modes each corresponding to a different mapping surface in accordance with the obtained placement information, the plurality of images are combined by using the mapping mode set in the setting step, and there is issued a warning, in a case in which the synthesized image exceeds a predetermined angle of view when a cylindrical mapping mode is changed to a plane mapping mode.

Claim 26 is deemed allowable over *Xiong* '265, *Shum* '412 and *Teo* for the same reasons as is Claim 1.

Independent Claim 29 is directed to an image synthesis method, which is capable of synthesizing an image by using a plurality of mapping modes. In the method of Claim 29, a plurality of image data are input, the plurality of images inputted in the input step are combined by using a cylindrical mapping mode, and a discrimination is made as to whether a synthesized image of the plurality of images exceeds a predetermined angle of view or not when a change of the mapping mode used in the first synthesis step to a plane mapping mode is indicated. Also, a warning is issued if it is discriminated in the discriminating step that the synthesized image exceeds the predetermined angle of view.

Claim 29 is deemed allowable over *Xiong* '265, *Shum* '412 and *Teo* for the same reasons as is Claim 1.

Each of the other independent claims is either an apparatus claim or a storage-medium claim corresponding either to method Claim 1 or to method Claim 26, and is deemed allowable for the same reasons as are discussed above.

A review of the other art of record, has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references

against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. In any event, however, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' attorney of record may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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